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election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Boguslaw A. Swedek et al. Art Unit : 2812
Serial No. : 09/847,867 Examiner : Alvin Grant
Filed : May 2, 2001
Title : INTEGRATED ENDPOINT DETECTION SYSTEM WITH OPTICAL AND
EDDY CURRENT MONITORING

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

This is responsive to the action mailed March 11, 2003.

The Examiner restricted the claims to Group I (claims 1-5 and 16-20), drawn to an apparatus, and Group II (claims 6-15), drawn to a process. With respect to the restriction, Applicant elects the invention of Group I without traverse.

The Examiner also required an election of species between Group I (claims 1-5 and 17-20), Group II (claims 6-15), and Group III (claim 16). Applicant respectfully traverses the election of species. First, the Examiner is reminded that species are the specifically disclosed embodiments. Claims are never species (see MPEP 806.04(e)). Second, the Examiner states "These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1". However, the present application was not filed as a national stage of an International PCT Application. With respect to the election of species, Applicant elects the species shown by Figures 10A-10C. Applicant believes claims 1-20 read on the elected species.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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Nikia McMillion

Applicant : Bogusław Swedek al.
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Attorney's Docket No.: 05542-451001 / 5252/CMP

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Respectfully submitted,

Date: 4/10/03

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